

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

IN RE: CAPITAL ONE CONSUMER	)	
DATA SECURITY BREACH LITIGATION	)	MDL No. 1:19md2915 (AJT/JFA)
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This Document Relates to the CONSUMER Cases

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**CAPITAL ONE’S MOTION TO COMPEL PRODUCTION OF FACT SHEETS**

Defendants Capital One Financial Corporation, Capital One Bank (USA), National Association, and Capital One, National Association (collectively, “Capital One”), pursuant to Rule 37(a) of the Federal Rules of Civil Procedure, move for an Order (1) compelling all 135 Non-Responsive Named Plaintiffs to provide a complete Fact Sheet, along with the documents requested in the Fact Sheets, no later than July 3, 2020 to Capital One, and (2) directing Lead Plaintiffs’ Counsel to coordinate those productions. Capital One also requests that the Court issue an order warning Lead Plaintiffs’ Counsel that in the event Non-Responsive Named Plaintiffs do not provide a completed Fact Sheet by July 3, 2020, their claims may be dismissed with prejudice. In support of this Motion, Capital One submits a memorandum of law filed contemporaneously herewith.

Dated: June 19, 2020

Respectfully Submitted,

/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 19, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/  
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